IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 19035 of 2004

Between:

Smt. Kapaganti Ramamani, W/o. Nagendra Jaya Prakash,
R/o. Gollabathula Street, Yanam, Near Kakinada, E.G. District.

..... PETITIONER

AND

1. The Commissioner of Prohibition & Excise of A.P. J.N.Road, Hyderabad.
2. The Deputy Commissioner of Prohibition & Excise Kakinada, East Godavari District.
3. The Station House Officer, Prohibition & Excise Station Kakinada, East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to declare the action of the Respondent NO. 1 for not passing any orders on the appeal No. 12260/2004 filed by the Petitioner as well as Stay Petition which are pending before 1st Respondent as illegal, Arbitrary and unjust by issuing an appropriate Writ, Order or direction more particularly one in the nature of writ of Mandamus consequently direct the Respondent No. 2 not to take action the Proceedings No. Rc.No. B1/3964/03 dated 30-4-2004 till the disposal of the Appeal No. 12260/2004 pending before 1st Respondent.

Counsel for the Petitioner:MR.M.A.KHADER

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court made the following :

ORDER:

The petitioner claims to be the owner of the vehicle, which was confiscated by the Deputy Commissioner of Prohibition and Excise, Kakinada dated 30.04.2004. The petitioner states that against the said order, she preferred an appeal, before the 1st respondent on 17.06.2004, but the same has not been considered and no orders have been passed even on her application for stay. Hence this writ petition.

It appears that pending the proceedings before the 2nd respondent, the petitioner was given the interim custody of the vehicle on furnishing a fixed deposit for a sum of Rs.3,00,000/- as security subject to the condition that the vehicle shall be produced once in a month before the 3rd respondent.

Having regard to the facts and circumstances of the case and having heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents, the writ petition is disposed of with a direction to the 1st respondent to dispose of the appeal pending on his file, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of this order. Till the disposal of the said appeal, all further proceedings, in pursuance of the order of confiscation dated 30.04.2004, shall be stayed subject to the condition that the security furnished by the petitioner is kept alive. The petitioner shall continue to produce the vehicle once in a month before the 2nd respondent till the disposal of the Appeal.

The writ petition is accordingly disposed of. No costs.

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25.10.2004

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To

1. The Commissioner of Prohibition & Excise of A.P. J.N.Road, Hyderabad.
2. The Deputy Commissioner of Prohibition & Excise Kakinada, East Godavari District.
3. The Station House Officer, Prohibition & Excise Station Kakinada, East Godavari District.

4. 2CCs to the G.P. for Prohibition & Excise, High Court Buildings, Hyderabad.

5. 2CD copies.